

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE:)	
)	
RUBY STREETER,)	
)	
PLAINTIFF,)	
)	
vs.)	CASE NUMBER: 1:07-cv-97-WKW
)	
OFFICE OF DOUGLAS R. BURGESS, LLC.,)	
DOUGLAS R. BURGESS, Individually,)	
ET AL.)	
)	
DEFENDANTS.)	

MOTION FOR EXTENSION OF TIME FOR SERVICE OF SUMMONS AND COMPLAINT

COMES NOW, the Plaintiff, Ruby Streeter, by and through her undersigned attorney, and moves this Honorable Court to extend the time for service of the Summons and Complaint on Defendants, Account Management Services of North America, LLC. (hereinafter, "AMS of N.A."), First American Investment Company, LLC. (hereinafter, "FAIC"), and Mark Bohn (hereinafter, "Bohn"). The Plaintiff requests this Honorable Court extend the time for service of the Summons and Complaint pursuant to Fed. R. Civ. Proc. 4(m). In accordance with said Rule, the Plaintiff would show this Honorable Court that good cause exists to extend the time for service of the Summons and Complaint on AMS of N.A., FAIC, and Bohn.

The Plaintiff asserts this motion for extension of time in response to this Honorable Court's Order dated June 23, 2008, and further identified on the records of the Clerk of Court as docket entry number 92. The Plaintiff would further show this Honorable Court that she has steadfastly attempted to serve the aforementioned Defendants with service attempts consisting of the following:

1. On February 5, 2007, the Plaintiff filed her initial Complaint against Douglas Burgess, Esq., individually, and the Office of Douglas Burgess, LLC.

2. On October 15, 2007, the Plaintiff filed her first motion to amend her Complaint naming additional parties including Defendants, AMS of N.A., FAIC, and Bohn.

3. On February 21, 2008, this Honorable Court permitted the Plaintiff to amend her Complaint and Ordered that the proposed Amended Complaint (Doc. No. 40) is deemed admitted (Doc. No. 54). Thereafter, the Plaintiff immediately began attempting service of the Summons and Complaint, by certified mail, on the additional Defendants. (Doc. No. 56).

SERVICE ON DEFENDANT, MACKINNON

4. On February 28, 2008, Defendant, Douglas J. MacKinnon (hereinafter, "MacKinnon"), was served with a copy of the Summons and Complaint in accordance with Ala. R. Civ. Proc. 4(c)(1). (Doc. No. 57).

5. On May 21, 2008, the Defendant, MacKinnon, filed a Motion to Dismiss for lack of personal jurisdiction. (Doc. No. 83).

6. Based on MacKinnon's Motion to Dismiss, it appears that MacKinnon was in fact served with a copy of the Summons and Amended Complaint.

7. On or about July 11, 2008, MacKinnon was personally served, by certified mail, with a copy of the First Amended Complaint and Summons (Doc. No. 102).

8. Defendant, Douglas J. MacKinnon, purports to be an Officer of AMS of N.A. See Defendant's website at www.amsofna.com, Executive Team. See p. 3 of the amsofna.com website which is attached hereto as Exhibit "1." According to the Defendant's website, Defendant, Douglas J. MacKinnon, is an Officer holding the position of Executive Vice President.

9. Defendant, Douglas J. MacKinnon, was served, by certified mail return receipt requested, on July 15, 2008, with a copy of the Second Amended Complaint and Summons (Doc. No. 121). Defendant, Douglas J. MacKinnon was previously served, by certified mail return receipt requested, on July 11, 2008, with a copy of the Second Amended Complaint and Summons (Doc. No. 101). As such, AMS of N.A. has knowledge of the instant lawsuit and is aware that it was named as a Defendant in the instant lawsuit.

10. Upon information and belief, the Defendant, Douglas J. MacKinnon, is also believed to be an Officer of FAIC.

AMS OF N.A. NAME CHANGE

11. Upon information and belief, during the course of Plaintiff's attempt to serve the Amended Complaint and Summons, Defendant, AMS of N.A., has apparently changed its name to F.A. Holdings Group, LLC. See attached Exhibit "2," UCC Financing Statement Amendment filed in New York State on May 5, 2008 indicating name change.

12. From the available public records, the Plaintiff is unable to discern whether in fact AMS of N.A. is an ongoing entity.

13. The New York Secretary of State Division of Corporations reports that AMS of N.A. is an inactive entity. See Exhibit "3."

14. Despite the apparent inactive status, Dun & Bradstreet continues to receive information that AMS of N.A. is a viable and going concern. See Exhibits "4," and "5," Dun's Market Identifiers.

AMS OF N.A.'S PURPORTED ADDRESSES

15. The AMS of N.A.'s publicized address is 400 Linden Oaks, Rochester, New York 14625. See Exhibits "1," "2," "3" and "4."

16. AMS of N.A. also lists an address of Post Office Box 25442, Rochester, New York 14625. See Exhibit "4."

17. AMS of N.A. also lists an address of 2801 Wehrle Drive, Williamsville, New York 14221-7381. See Exhibit "5."

18. AMS also lists an address of 100 Linden Oaks Drive, Suite 202, Rochester, New York 14625. See Exhibit "6."

PLAINTIFF'S ATTEMPTED SERVICE OF PROCESS ON AMS OF N.A.

19. Upon information and belief, Carl Steinbrenner (hereinafter, "Steinbrenner") is believed to be an officer of Defendant, FAIC. In addition, Steinbrenner is the Secretary of Defendant, AMS of N.A. See attached Exhibit "8," Steinbrenner Depo. p. 34 ("I am Secretary of Account Management Services of North America.").

20. On March 27, 2008, the Clerk of Court received a return of its attempted certified mail, which was attempted on Steinbrenner at 400 Linden Oaks, Rochester, New York 14625 (Doc. No. 69).

21. According to the New York State Bar, Carl Steinbrenner conducts his law practice at 400 Linden Oaks, Rochester, New York 14625. See attached Exhibit "7," web page screen print from New York State Unified Court System.

22. Although Steinbrenner is the Secretary of Defendant, AMS of N.A., and upon information and belief, FAIC, he did not retrieve his certified mail regarding the Summons and Complaint that was attempted on or before March 27, 2008.

23. On April 14, 2008, the Clerk of Court issued an Alias Summons as to AMS of N.A. at its purported registered address of Post Office Box 25442, Rochester, New York 14625 (Doc. No. 78).

24. On May 21, 2008, the United States Postal Service returned as unclaimed the Alias Summons issued as to AMS of N.A. at Post Office Box 25442, Rochester, New York 14625 (Doc. No. 82).

**DESPITE ACTUAL SERVICE OF THE AMENDED COMPLAINT AND SUMMONS,
AMS OF N.A. HAS ACTUAL KNOWLEDGE OF THE AMENDED COMPLAINT**

25. Defendant, Douglas J. MacKinnon, purports to be an Officer of AMS of N.A. See Defendant's website at www.amsofna.com, Executive team. A screen print of the website is attached hereto as Exhibit "1." According to the Defendant's website, Douglas J. MacKinnon is an Executive Vice President.

26. Defendant, Douglas J. MacKinnon, has been personally served with one (1) copy of the Second Amended Complaint and Summons (Doc. No. 121) and has been personally served on two (2) occasions with the First Amended Complaint and Summons (Doc. No.'s 57 and 102). As such, AMS of N.A. has knowledge of the instant lawsuit and is aware that it was named as a Defendant in the instant lawsuit.

**DESPITE ACTUAL SERVICE OF THE AMENDED COMPLAINT AND SUMMONS,
FAIC HAS ACTUAL KNOWLEDGE OF THE AMENDED COMPLAINT**

27. Upon information and belief, the Defendant, Douglas J. MacKinnon, is also believed to be an Officer of FAIC.

SERVICE OF PROCESS ON AMS OF N.A., FA HOLDINGS GROUP, LLC. AND FAIC

28. As to AMS of N.A., it appears that the Defendant was served with the First Amended Complaint on March 3, 2008. (Doc. No. 58).

29. On February 28, 2008, AMS of N.A., was apparently served with a copy of the Summons and Complaint at 100 Linden Oaks, Suite 202, Rochester, New York 14625. (Doc. No. 58). This address purports to be one of the addresses used by AMS of N.A. See Exhibit "6."

30. If, in fact, AMS of N.A. has changed its name to FA Holdings Group, LLC. (See

Exhibit "2"), FA Holdings Group, LLC. was served by certified mail on July 14, 2008 (Doc. No. 122).

31. As to FAIC, it appears that the Defendant was served with the Second Amended Complaint and the Summons, by certified mail, on July 14, 2008 (Doc. No. 122).

PLAINTIFF REQUESTS ADDITIONAL TIME TO SERVE MARK BOHN

32. On June 23, 2008, this Honorable Court ordered that the Plaintiff serve Defendants, Bohn, AMS of N.A., and FAIC before July 23, 2008. (Doc. No. 92). Failure to serve the Defendants by that date would result in dismissal without prejudice.

33. The Plaintiff can ill-afford dismissal of the named Defendants as the statute of limitations for an FDCPA action have expired.

34. On June 27, 2008, the Plaintiff filed her second motion to amend her Complaint.

35. On July 2, 2008, this Honorable Court granted the Plaintiff's second motion to amend her Complaint. (Doc. No. 97).

36. On July 8, 2008, the Plaintiff filed her Second Amended Complaint (Doc. No. 99), naming additional Defendants, F.A. Holdings Group, LLC. and Unistates Credit Agency, LLC. In addition, the Plaintiff added an additional Count alleging civil conspiracy. The Plaintiff also deleted Robert Van De Mark as a named Defendant.

37. Because of the added Count and additional Defendants, Plaintiff must now serve, pursuant to Fed. R. Civ. Proc. 4, all Defendants in the Complaint.

38. In addition to attempting service by certified mail, the Plaintiff has also hired a Process Server to serve the Second Amended Complaint.

WHEREFORE, the Plaintiff moves this Honorable Court to extend the time for serving the Defendants, Account Management Services of North America, LLC., First American Investment Company, LLC., and Mark Bohn, and for all other relief that is just.

Respectfully submitted this 18th day of July, 2008.

BROCK & STOUT



David G. Poston, Esq.
Walter A. Blakeney, Esq.
Michael D. Brock, Esq.
Gary W. Stout, Esq.
Post Office Drawer 311167
Enterprise, Alabama 36330
334-671-5555
334-671-2689 Facsimile
Email: christal@circlecitylaw.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have this date served a copy of the foregoing upon the following via United States Mail, postage prepaid and fully addressed and by electronic mail this 18th day of July, 2008.

Fern H. Singer
Stacey A. Davis
BAKER, DONELSON, BEARMAN
CALDWELL & BERKOWITZ, P.C.
420 North 20th Street, Suite 1600
Birmingham, Alabama 35203-5202
Email: fsinger@bakerdonelson.com
sdavis@bakerdonelson.com

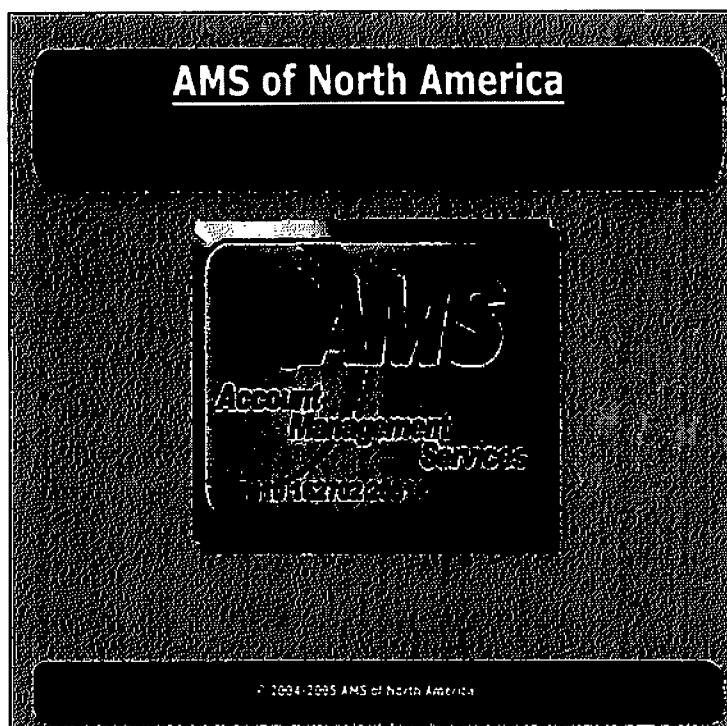

David G. Poston

Blake D. Andrews
Starnes & Atchison, LLP
100 Brookwood Place, 7th Floor
P.O. Box 598512
Birmingham, Alabama 35259
Email: bda@starneslaw.com

EXHIBIT "1"

"Making the Best Out of Bad Debt"

[ABOUT US](#) [COMMITMENT](#) [COLLECTION INDUSTRY](#) [EXECUTIVE TEAM](#) [CONTACT US](#)



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CONTACT US

If you want to learn more about our company, our consumer debt portfolio buying or selling, employment opportunities, please feel free to contact us! We will promptly respond to all inquiries & are always available to answer questions or discuss concerns through a variety of communication mediums, including the telephone, fax machines and email. We take great care to promptly respond to all communications and pride ourselves on being open and honest regarding all matters.

Account Management Services of North America, LLC

400 Linden Oaks Drive

Rochester New York 14625

Telephone: 585-383-6560

Fax: 585-385-2669

Email: info@amsofna.com

For Inquiries Concerning Debt Portfolio Purchases or Sales

First American Investment Company, LLC

400 Linden Oaks Drive

Rochester, New York 14625

Telephone: 585-249-7624

Fax: 585-385-2669

Email: info@faic.com

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EXECUTIVE TEAM

Mark F. Bohn	President and Chief Executive Officer
Douglas J. MacKinnon	Executive Vice President
James J. Reeves	Vice President of Operations
Mark W. Gray	Vice President of Portfolio Acquisition and President of First American Investment Company, LLC
James M. MacKinnon	Vice President of Capital Development
Carl A. Steinbrenner	Vice President, General Counsel and Secretary
George H. Klemann	Director of Finance and Treasurer
Matthew S. Sommers	Director of Accounting
Harvey A. Denis	Director of Portfolio Litigation Placement
John Sortino	Director of Portfolio Placement Support

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ABOUT US

Account Management Services of North America, LLC (AMS), a privately held company established in 2004, is based in Rochester, New York with operations centers in Buffalo, New York and Cincinnati, Ohio.

AMS with its subsidiaries and affiliated companies is quickly establishing itself as a preeminent national debt portfolio firm specializing in the buying and selling of charged off consumer credit card debt and utilizes a affiliated network of over 150 collection law firms that employ premium collection services producing exceptional collection results. The Company and its subsidiaries are one of the largest buyers of defaulted consumer debt, are experiencing double-digit growth in annual revenues, and have a corporate staff of approximately 25 employees.

The Company's backbone is a proprietary suite of computer software systems housed in a state-of-the-art cyber center that is highly scalable and which allows accounts to be purchased, sold and managed electronically. At AMS, we are practical, experienced debt management and recovery professionals utilizing our know-how, cutting edge technology and innovative practices to achieve exceptional results. Our bottom line is a business model that clearly separates us from others in the industry.

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OUR FOCUS AND COMMITMENT

The driving force behind our company is our commitment to achieve the absolute best results possible - whether related to debt portfolio acquisitions, sales, or management of outsourced pre-litigation or litigated debt recovery. We actively seek purchase and resale opportunities in the distressed debt marketplace and through strategic relationships with law firm service providers, are able to employ innovative, effective and ethical debt recovery and management techniques to enhance our bottom line for the debt portfolios we hold. We possess the resources and know-how to get the job done centered on foundational company values of perseverance, hard work, and high ethical standards.

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THE COLLECTIONS INDUSTRY AND COLLECTIONS PROCESS

Industry Overview*

Delinquent receivables can threaten the financial health and performance of any business.

The collection industry serves an important role in the U.S. economy by recovering billions in revenue for U.S. companies. By returning this money to U.S. businesses, the collection industry saves American families on average \$331 a year in money they otherwise would have spent if businesses raised their prices to cover losses to bad debt.

Private collection industry professionals also work for federal government agencies, states, and local municipalities, in 2003, recovering for the federal government alone \$546.8 million^[1].

The collection industry consists of third-party debt collectors who service accounts referred to them by various credit grantors: from credit card issuers to banks, from local retail stores and service businesses, to the federal, state and local governments – any business or government unit that extends credit, offers payment installment plans, or makes assessments.

The nation's collection professionals are often an extension of local businesses. When customers don't pay their bills, the industry can help these merchants stay in business. Each year, collectors help hundreds of thousands of U.S. businesses, small and large, keep unpaid debt costs manageable.

To collect on unpaid debt, the collection industry follows very specific, federally regulated guidelines that establish consumers' rights and collectors' responsibilities. These guidelines include laws such as the Fair Debt Collection Practices Act (FDCPA), which was enacted in 1977 with the support of ACA, and the Fair Credit Reporting Act (FCRA).

The collection industry uses leading edge technologies and training to ensure that collectors work most effectively and efficiently with consumers to resolve debt problems. The collection industry generates hundreds of thousands of American jobs a year in small towns and major metropolitan areas, and is rapidly growing. In 2002, the collection industry employed 413,000 collectors, with employment expected to grow between 21 percent and 35 percent by 2012^[2].

[1] U.S. Department of Treasury "Fiscal Year 2003 Report to the Congress: U.S. Government Receivables and Debt Collection Activities of Federal Agencies"

[2] Bureau of Labor Statistics

* Adapted with permission from information provided by ACA International.

Collections Overview

The Fair Debt Collection Practices Act ("FDCPA") was created by the United States Congress in 1977 and instituted in 1978 to protect consumers from unfair collection practices by third party debt collection agencies. In 1986, coverage was extended to include attorneys. The collection practices laws of most states mirror or simulate the provisions of the FDCPA. It is the policy of AMS and its network of law firms to fully comply with all state and federal debt collection laws, including the FDCPA.

We believe cooperative communication and understanding a debtor's particular situation is the key to a successful collections outcome. The law firms AMS seeks to utilize must employ collectors who understand these principles and who also recognize that collection matters involve people, not just numbers. We recognize bad things can happen to good people. When dealing with a consumer or business, a collector's ability to relate to the debtor is a vital ingredient in our recipe for recovering debts. Such an approach can be challenging, but proven collection results justify the effort.

CHARGED-OFF CONSUMER RECEIVABLE PORTFOLIOS

Through our portfolio subsidiaries, AMS has emerged as a leader in the debt buying and sales industry. We are committed to highly competitive buy rates and outstanding portfolio selections. You will find us practical, results-oriented and able to turn around transactions quickly and expeditiously.

MANAGEMENT OF DISTRESSED PORTFOLIO ACCOUNTS

Through our growing network of over 150 debt recovery law firms with approximately 1000 law firm personnel dedicated to serving us as a client, we are capable of having collections done in all 50 states on any consumer accounts we own, leveraging the credibility and strength of the legal profession. This law firm network of collectors is well-trained and able to collect most types of debt utilizing proven collection strategies and techniques, while maintaining the highest ethical standards. We require each of our network law firms and their legal staff of collectors to be compliant with applicable licensing and bonding requirements and to abide by all state and federal collection laws, including the Fair Debt Collection Practices Act ("FDCPA").

We monitor and evaluate the progress of our collection law firms and require regular reports on all forwarded claims. To remain informed, legal collections professionals servicing our portfolios must attend training sessions and are required to participate in ongoing continuing education. Any collection attorney or law firm who seeks to join our network, must first certify their commitment to use collections practices that are legal and ethical. Any attorney or law firm who fails to uphold such standards loses their privilege to work within the AMS legal network.

EXHIBIT "2"

417374

2008 May 05 PM05:23

UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)

Paul T. Maciaszek 585-223-3067

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Mortidian Capital Corporation
36 Kirkby Trail
Fairport, NY 14450, USA

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE # 200804278167569 Filedate: 27-APR-08

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS.

2. ☐ **TERMINATION:** Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ **CONTINUATION:** Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ **ASSIGNMENT (full or partial):** Give name of assignee in item 7a or 7b and address of assignee in item 7c and also give name of assignor in item 9.

5. **AMENDMENT (PARTY INFORMATION):** This Amendment affects ☒ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☒ **CHANGE** name and/or address: Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c. ☐ **DELETE** name: Give record name to be deleted in item 6a or 6b. ☐ **ADD** name: Complete item 7a or 7b, and also item 7c, also complete items 7d-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME Account Management Services of North America, LLC

OR 6b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME FA Holdings Group, LLC

OR 7b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7c. MAILING ADDRESS 2809 Wehrle Drive, Suite 1

CITY Williamsville

STATE NY

POSTAL CODE 14221

COUNTRY USA

7d. SEE INSTRUCTIONS

ADD'L INFO RE
ORGANIZATION
DEBTOR

7e. TYPE OF ORGANIZATION
Limited Liability
Company

7f. JURISDICTION OF ORGANIZATION
New York

7g. ORGANIZATIONAL ID #, if any
NONE

☒ NONE**8. AMENDMENT (COLLATERAL CHANGE):** check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. **NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT** (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME

OR 9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

10. OPTIONAL FILER REFERENCE DATA AMENDED UCC FILING FOR MASTER LEASE AGREEMENT 08-0428001 SCH. 01

EXHIBIT "3"

NYS Department of State

Division of Corporations

Entity Information

Selected Entity Name: ACCOUNT MANAGEMENT SERVICES OF NORTH AMERICA, LLC

Selected Entity Status Information

Current Entity Name: ACCOUNT MANAGEMENT SERVICES OF NORTH AMERICA, LLC

Initial DOS Filing Date: OCTOBER 15, 2004

County: MONROE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: INACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

ACCOUNT MANAGEMENT SERVICES OF NORTH AMERICA, LLC

400 LINDEN OAKS DRIVE

ROCHESTER, NEW YORK, 14625

Registered Agent

NONE

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

[Division of Corporations, State Records and UCC Home Page](#) [NYS Department of State Home Page](#)

EXHIBIT "4"

Duns Market Identifiers Plus (Document number: 1)

Dun's Market Identifiers Plus, 04/11/08, Account Management Services of North America, LLC

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Dun's Market Identifiers

RETURN

Check availability of a D&B Business Information Report (Credit Report)

April 11, 2008

Account Management Services of North America, LLC

P O Box 25442 Rochester,
NY 14625
United States

BUSINESS ADDRESS: 400 Linden Oaks, Rochester, NY 14625-2818, United States

MSA: Rochester, NY - 6840

COUNTY: Monroe

CONGRESSIONAL DISTRICT: 29th Congressional District - block face level

***** **COMMUNICATIONS** *****

TELEPHONE: 585-259-4833

***** **COMPANY IDENTIFIERS** *****

DUNS NUMBER: 14-568

***** **COMPANY INFORMATION** *****

FOUNDED: 2004

LEGAL STATUS: Partnership

ORGANIZATION TYPE: Single Location, Small Business

EMPLOYEES:

Employee Total: 25

Employees At This Location: 25 - Actual

***** **EXECUTIVES** *****

Other Company Personnel: Robert Vandemark, Member

Mark Bohn, Member

***** **DESCRIPTION** *****

INDUSTRY TYPE: Services: Professional; Management Services

***** **MARKET AND INDUSTRY** *****

NAICS CODES:

561110 - Office Administrative Services

SIC CODES:

8741 - Management services, nsk

87410000 - Management services, nsk

***** **INCOME STATEMENT** *****

Sales Revision Date: April 19, 2008

Annual Sales: - Estimated

LOAD-DATE: May 13, 2008

EXHIBIT "5"

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Dun's Market Identifiers
RETURN

Check availability of a D&B Business Information Report (Credit Report)

September 24, 2007

Account Management Services of North America

2801 Wehrle Dr Williamsville,
NY 14221-7381
United States

BUSINESS ADDRESS: 2801 Wehrle Dr, Williamsville, NY 14221-7381, United States

MSA: Buffalo-Niagara Falls, NY - 1280

COUNTY: Erie

***** **COMMUNICATIONS** *****

TELEPHONE: 716-565-1460

***** **COMPANY IDENTIFIERS** *****

DUNS NUMBER: 87-746-2601

***** **COMPANY INFORMATION** *****

ORGANIZATION TYPE: Single Location, Small Business

EMPLOYEES:

Employee Total: 2

Employees At This Location: 2 - Estimated

***** **DESCRIPTION** *****

INDUSTRY TYPE: Services: Professional; Management Services

***** **MARKET AND INDUSTRY** *****

NAICS CODES:

561110 - Office Administrative Services

SIC CODES:

8741 - Management services, nsk

87410100 - Business management

***** **INCOME STATEMENT** *****

Sales Revision Date: December 15, 2007

Annual Sales: - Estimated

LOAD-DATE: February 2, 2008

Duns Market Identifiers Plus (Document number: 4)

Worldbase, 10/25/2006, ACCOUNT MANAGEMENT SERVICES LL

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Worldbase
RETURN

EXHIBIT "6"

748484

2006 May 17 PM02:07

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional] Dilligenz (800)858-5294	
B. SEND ACKNOWLEDGMENT TO: (Name and Address) Dilligenz, Inc. 6500 Harbour Heights Pkwy, Suite 400 Mukitoo, WA 98275, USA NYFilings@Dilligenz.com (Fax)(800)345-6059	

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names					
1a. ORGANIZATION'S NAME Account Management Services of North America, LLC					
OR					
1b. INDIVIDUAL'S LAST NAME		FIRST NAME		MIDDLE NAME	
1c. MAILING ADDRESS 100 Linden Oaks Drive, Suite 202		CITY Rochester		STATE NY	POSTAL CODE 14625
				COUNTRY USA	
1d. SEE INSTRUCTIONS	ADD'L INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION Limited Liability company	1f. JURISDICTION OF ORGANIZATION NY	1g. ORGANIZATIONAL ID #, if any None	
				<input checked="" type="checkbox"/> NONE	

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names					
2a. ORGANIZATION'S NAME					
OR					
2b. INDIVIDUAL'S LAST NAME		FIRST NAME		MIDDLE NAME	
2c. MAILING ADDRESS		CITY		STATE	POSTAL CODE
2d. SEE INSTRUCTIONS	ADD'L INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any	
				<input type="checkbox"/> NONE	

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)					
3a. ORGANIZATION'S NAME CapitalSource Finance LLC					
OR					
3b. INDIVIDUAL'S LAST NAME		FIRST NAME		MIDDLE NAME	
3c. MAILING ADDRESS 4445 Willard Avenue, 12th Floor		CITY Chevy Chase		STATE MD	POSTAL CODE 20815
					COUNTRY USA

4. This FINANCING STATEMENT covers the following collateral:
 "Collateral" shall mean, collectively and each individually, (i) all units of limited liability company ownership interests ("LLC Units") or other ownership interests of Debtor in First American Receivables Company, LLC ("FARC"), a New York limited liability company and, (ii) all certificates representing any such LLC Units, all options and other rights, contractual or otherwise, at any time existing with respect to such LLC Units, and all dividends, cash, instruments and other property now or hereafter received, receivable or otherwise distributed in respect of or in exchange for any or all of such LLC Units, all proceeds, interest, profits, and other payments or rights to payment attributable to Debtor's interests in FARC, and all distributions, cash, instruments and other property now or hereafter received, receivable or otherwise made with respect to or in exchange for any interest of Debtor in FARC, including interim distributions, returns of capital, loan repayments, and payments made in liquidation of FARC, and whether or not the same arise or are payable under any and all operating agreement or certificate forming FARC now owned or hereafter acquired by the Debtor or any other agreement governing FARC or the relations among the members of FARC ("LLC Agreements"), and all other interests and rights of Debtor in FARC, including, without limitation, any right to cause the dissolution of FARC or to appoint or nominate a successor to Debtor as a member of FARC; and (iii) any and all replacements, products and proceeds of, and dividends, distributions in property, returns of capital or other distributions made on or with respect to, any of the foregoing equity interests and ownership interests.

5. ALTERNATIVE DESIGNATION (if applicable):		LESSEE/LESSOR	CONSIGNEE/CONSIGNOR	BAILEE/BAILOR	SELLER/BUYER	AG. LIEN	NON-UCC FILING
6. <input type="checkbox"/> This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum (if applicable)		7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (ADDITIONAL FEE) (optional)		<input type="checkbox"/> All Debtors <input type="checkbox"/> Debtor 1 <input type="checkbox"/> Debtor 2			
8. OPTIONAL FILER REFERENCE DATA ACCOUNT MANAGEMENT SERVICES DT# 14240 [19579858]							

EXHIBIT "7"

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as of 07/16/2008

Registration Number: 2165728

CARL ALFRED STEINBRENNER
 STEINBRENNER LAW OFFICES
 400 LINDEN OAKS
 ROCHESTER, NY 14625-2818
 United States
 (585) 383-0300

Year Admitted in NY: 1988
Appellate Division
Department of Admission: 4
Law School: NOTRE DAME
Registration Status: Currently registered
Next Registration: Feb 2010

The Detail Report above contains information that has been provided by the attorney listed, with the exception of REGISTRATION STATUS, which is generated from the OCA database. Every effort is made to insure the information in the database is accurate and up-to-date.

The good standing of an attorney and/or any information regarding disciplinary actions must be confirmed with the appropriate Appellate Division Department. Information on how to contact the Appellate Divisions of the Supreme Court in New York is available at www.nycourts.gov/courts.

If the name of the attorney you are searching for does not appear, please try again with a different spelling. In addition, please be advised that attorneys listed in this database are listed by the name that corresponds to their name in the Appellate Division Admissions file. There are attorneys who currently use a name that differs from the name under which they were admitted. If you need additional information, please contact the NYS Office of Court Administration, Attorney Registration Unit at 212-428-2800.

COURTS

LITIGANTS

ATTORNEYS

JUDGES

JUDGES

CAREERS

SEARCH

EXHIBIT "8"

CONDENSED

1 UNITED STATES DISTRICT COURT
2 DISTRICT of NEW MEXICO

3 ALEXANDER SIMPSON,

4 Plaintiff,

5 -vs-

Civ. No. 05-57 JP/DJS

6 J. DANIEL LENAHAAN; DANIELLE LENAHAAN;
7 LENAHAAN LAW OFFICE; and ACCOUNT
MANAGEMENT SERVICES, L.L.C.,

8 Defendants.

9
10 Examination before trial of CARL
11 A. STEINBRENNER, taken pursuant to Notice under the
12 Federal Rules of Civil Procedure, at the law offices
13 of PHILLIPS LYTTLE, LLP, 3400 HSBC Center, Buffalo,
14 New York 14203, taken on August 7, 2006, commencing
15 at 4:34 P.M., before CAROLYN KERR, Notary Public.
16
17
18
19
20
21
22
23

33

1 York?

2 **A Again, without knowing the specifics at this**
 3 **point of a particular matter I can't say yes or**
 4 **no. Over the course of a period of time I**
 5 **would assume I would have gotten involved in**
 6 **one or more matters involving them for Account**
 7 **Management Services of New York, but I clearly**
 8 **can't say at this point.**

9 **Q But you don't have a general recollection of**
 10 **any specific issues between Account Management**
 11 **Services of New York and the Lenahans in which**
 12 **you personally were involved or interacted in**
 13 **some way with the Lenahans?**

14 **MR. FIUMARA: Object to the**
 15 **form of the question.**

16 **THE WITNESS: I don't recall**
 17 **the specifics of any particular matter. I just**
 18 **assumed there were at least one, or more.**

19 **MR. FEFERMAN: How about with**
 20 **respect to Account Management Services of Amherst,**
 21 **LLC, did you have any interaction on behalf of that**
 22 **company with the Lenahans?**

23 **THE WITNESS: I believe I**

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1 already answered that. I'm familiar with the name,
 2 but I don't really -- I'm not that -- beyond that,
 3 I'm not familiar with that entity.

4 Can I take a three-minute break
 5 and run to the bathroom?

6 **MR. FEFERMAN: You certainly**
 7 **can.**

8 (A recess was taken at 5:17 P.M.)

9 (On the record at 5:21 P.M.)

10 **BY MR. FEFERMAN:**

11 **Q Did you have any interaction with the Lenahan**
 12 **Law Office on behalf of AMS of North America?**

13 **A Yes.**

14 **Q What was the nature of those interactions?**

15 **A AMS of North America, through its subsidiary,**
 16 **First American, used the Lenahan Law Firm for a**
 17 **portion of time.**

18 **Q Used them for what?**

19 **A Collections work.**

20 **Q And what was your connection with First**
 21 **American Investment then?**

22 **A I do -- I am secretary of Account Management**
 23 **Services of North America.**

35

1 **Q But is Account Management Services of North**
 2 **America a debt investment company, or are they**
 3 **a services company?**

4 **A We went through this. Account Management**
 5 **Services of North America is a debt portfolio**
 6 **purchasing company.**

7 **Q This doesn't make sense. Okay.**

8 **MR. FIUMARA: Counsel, I**
 9 **would ask that if you're still not bringing anything**
 10 **together with regard to the issue at hand I really**
 11 **wish you would try to start tying some of this up,**
 12 **please.**

13 **BY MR. FEFERMAN:**

14 **Q Are there any other Account Management Services**
 15 **entities on whose behalf you had interaction**
 16 **with the Lenahan Law Offices?**

17 **A To the best of my knowledge, the only entities**
 18 **that I interacted with the Lenahans through was**
 19 **the three that you mentioned, Account**
 20 **Management Services of Western New York, which**
 21 **is now Asset Partners of Western New York,**
 22 **Account Management Services of New York and**
 23 **Account Management Services of North America.**

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1 **So any involvement I would have had would have**
 2 **been in connection with one of those three**
 3 **entities.**

4 **Q Were there contracts written between the**
 5 **Lenahans and either of those three entities?**

6 **A What do you mean by contracts?**

7 **Q Retainer agreements or contracts defining the**
 8 **scope of --**

9 **A Typically there would be retainer agreement,**
 10 **yes.**

11 **Q Did you write those?**

12 **A I would have probably been involved in ensuring**
 13 **that they were put together.**

14 **Q Are there other lawyers who would have been**
 15 **involved?**

16 **A Yes.**

17 **Q Who?**

18 **A Could have been one of a number of attorneys.**

19 **Q Who?**

20 **A AMS of North America uses a large number of**
 21 **attorneys.**

22 **Q In Buffalo, or Rochester?**

23 **A Throughout the United States.**